HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18508 of 2006

Dated:19.09.2006

Between:

Boyi Mahalaxmi.

…Petitioner

and

The District Collector and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18508 of 2006

ORDER:

The petitioner's husband, late Boyi Narasimhulu Reddy, was a sepoy in the Military. He was discharged on 22.09.1969. The petitioner's husband was assigned land admeasuring Acs.2.00 in Survey No.96/6 situated at Kapuluppada Village by proceedings dated 24.08.1977. Thereafter, late Narasimhulu Reddy statedly developed the land and raised cashew tope and casurana plantation. He was in possession till his death, and after his death, the petitioner was recognized as legal heir. Her husband, and after his death, the petitioner made representations seeking grant of regular D-Form patta, in vain. Late Narasimhulu Reddy also approached the District Legal Services Authority (DLSA), Visakhapatnam. They sent a notice to the Mandal Revenue Officer on 16.06.2004. In response thereto, the Mandal Revenue Officer, Bheemunipatnam, the second respondent herein, sent a reply to DLSA informing that the petitioner was assigned the land, that cashew tope was raised on the land and that there is no objection for grant of D-Form patta. In view of this, the DLSA closed the matter giving liberty to the petitioner to approach the Mandal Revenue Officer, the second respondent herein, for grant of regular patta. An application was therefore made on 31.08.2004 pursuant to the directions of DLSA based on which, the District Collector called for a report. The petitioner states that the second respondent sent a report to the District Collector, and in spite of the same, no orders are passed. Therefore, the petitioner seeks a writ of mandamus directing

the respondents to grant D-Form patta in favour of the petitioner.

After getting instructions, the learned Assistant Government Pleader for Revenue (Assignment) submits that the petitioner was granted a temporary/provisional patta which is valid for one year and that the entire Bheemunipatnam Mandal forms part of Visakhapatnam Urban Aglomation, in view of which, the assignment cannot be made. He also brought to the notice of this Court that by proceedings in Rc.No.251/2004 C, dated 25.08.2006, issued by the second respondent the request of the petitioner's husband for grant of D-Form patta/regularization of tentatively assigned land is rejected. A copy thereof is also supplied to the learned Counsel for the petitioner. Learned Assistant Government Pleader does not dispute that the petitioner's husband developed the land and raised cashew tope. The possession of the petitioner is also not denied.

This Writ Petition was filed on 04.09.2006. Even by that date the representation made by the petitioner's husband on 31.08.2004 was considered by the Mandal Revenue Officer, and request for D-Form patta/regularization was rejected. In such an event, the petitioner's remedy lies in approaching the jurisdictional Revenue Divisional Officer under para 15 of the Board Standing Order 15 by filing an appeal. The petitioner may avail the remedy and raise all grounds. Till then there shall be *status quo* as on today in all respects.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.09.2006

vs